SB 1383 Informal Rulemaking

Short-Lived Climate Pollutants (SLCP):
Organic Waste Methane Emissions
Reductions

October 30th & November 2nd 2017



Contact

Web Page: http://www.calrecycle.ca.gov/Climate/SLCP/

Listserv:

http://www.calrecycle.ca.gov/Listservs/Subscribe.aspx?ListID=152

Inbox: <u>SLCP.Organics@calrecycle.ca.gov</u>

For submitting comments after the workshop. Please use <u>the SLCP online</u> comment form

(http://www.calrecycle.ca.gov/Climate/SLCP/Comments/Form1/default.htm), we are prioritizing comments received by Wednesday November 15, 2017.



SB 1383 Informal Rulemaking

Short-Lived Climate Pollutants (SLCP):
Organic Waste Methane Emissions
Reductions

Organics Baseline, Disposal & Recycling, CalRecycle & ARB Methane Calculations



The Scope of Draft Definitions

Organics Waste Definition

- Used to assess statewide success
- Determines what material types need to be addressed either through local recycling programs or statewide programs
- Will not impact Mandatory Commercial Organics Recycling, or other existing programs or regulations

Baseline

- Used to assess statewide success
- Will not impact AB 939 accounting

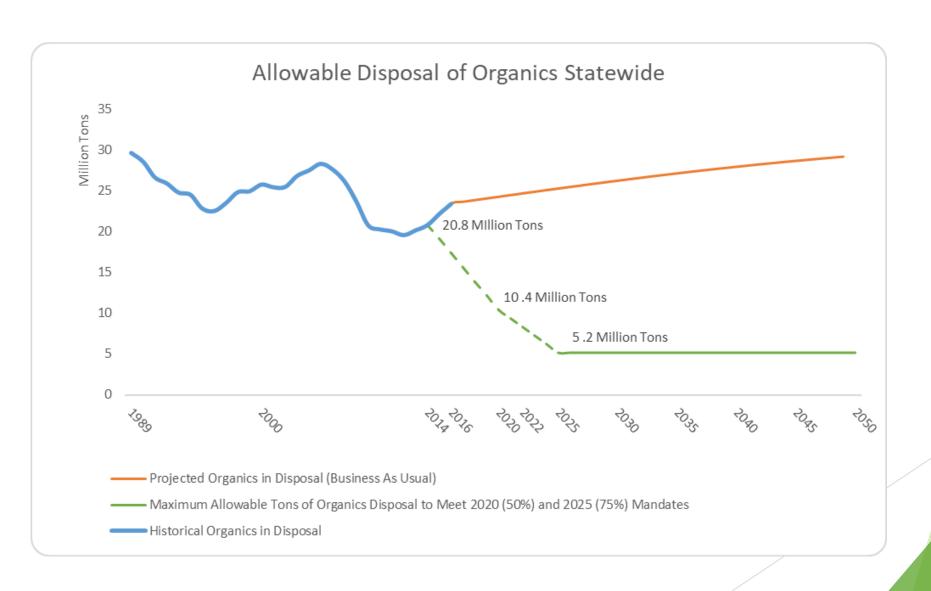
Article 1 - Draft Definition of Organic Waste

"Organic Waste" means solid wastes containing material originated from living organisms and their metabolic waste products, including but not limited to food waste, green waste, landscape and pruning waste, applicable textiles and carpets, wood, lumber, fiber, manure, biosolids, digestate and sludges.

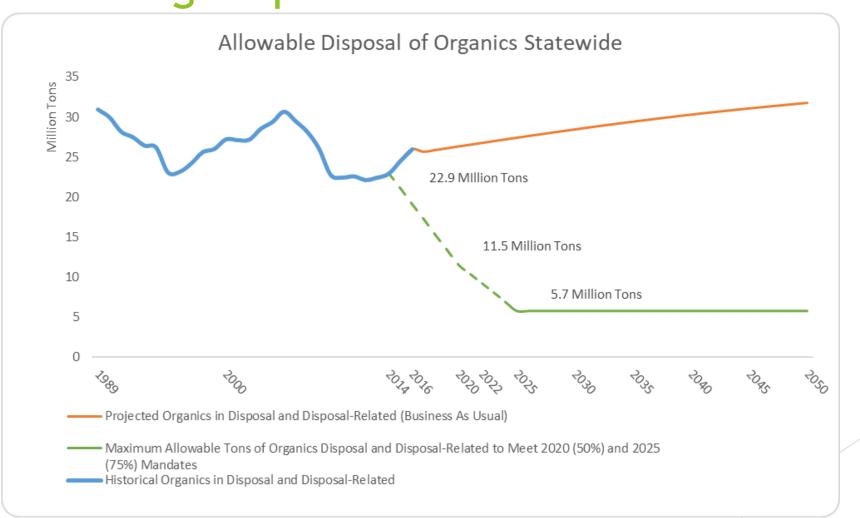
Article 2 - What Counts as Landfill Disposal for Short-Lived Climate Pollutant Goals

- Final deposition at a landfill.
- Beneficial Reuse at a landfill, including but not limited to Alternative Daily Cover and Alternative Intermediate Cover.
- Any other disposition not called out as a reduction in landfilling (see following slides).

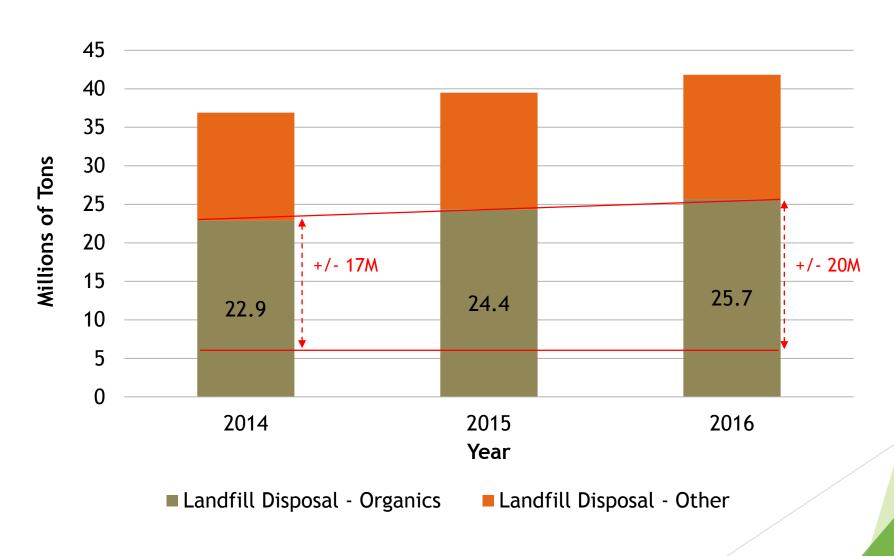
Previous Estimate of Disposal Reductions



Current Estimate of Disposal Reductions Including Disposal-Related



Statewide Disposal



Article 2 - What Counts as a Reduction in Landfill Disposal for Short-Lived Climate Pollutant Goals

Material sent to:

- An operation that qualifies as a "Recycling Center" as set forth in section 17402.5(d), or is listed in section 17402.5(c);
- A "Compostable Material Handling Operation or Facility" as defined in section 17852(a)(12), or small composting activities that would otherwise be excluded from that definition pursuant to section 17855(a)(4));
- An "In-vessel Digestion Operation or Facility" as defined in section 17896.2(a)(14);
- A Biomass Conversion operation or facility as defined in section 40106 of the Public Resources Code;
- ▶ Other operations or facilities with processes that reduce short-lived climate pollutants as determined by the Executive Officer of the California Air Resources Board pursuant to section xxxx20.2.

Article 2 - What Counts as a Reduction in Landfill Disposal For Short-Lived Climate Pollutant Goals

(Plain language version)

- Recycling
- Composting
- In-vessel digestion
- Biomass conversion
- Other operations or facilities that reduce methane as determined by ARB

Importance of GHG Reductions from Organics Diversion

- The Draft 2030 Target Scoping Plan describes how the State can reach its 2030 target to reduce greenhouse gas emissions by 40 percent from 1990 levels
- The Short-lived Climate Pollutant Plan (SLCP) is an important component of the 2030 Target Scoping Plan and sets statewide targets (consistent with SB 1383) for:
 - a 40 percent reduction of methane emissions from the 2013 baseline by 2030,
 - ▶ a 40 percent reduction of HFC emissions from the 2013 baseline by 2030, and
 - ▶ a 50 percent reduction of anthropogenic black carbon emissions from the 2013 baseline by 2030
- Diversion of organics from landfills is an important component of the overall strategy to achieve a 40 percent reduction in methane emissions
 - ► Forecasted to achieve an emission reduction of 4 MMTCO2e per year by 2030

Importance of GHG Reductions from Organics Diversion

- The Draft 2030 Target Scoping Plan describes how the State can reach its 2030 target to reduce greenhouse gas emissions by 40 percent from 1990 levels
- The Short-lived Climate Pollutant Plan (SLCP) is an important component of the 2030 Target Scoping Plan and sets statewide targets (consistent with SB 1383) for:
 - a 40 percent reduction of methane emissions from the 2013 baseline by 2030,
 - ▶ a 40 percent reduction of HFC emissions from the 2013 baseline by 2030, and
 - ▶ a 50 percent reduction of anthropogenic black carbon emissions from the 2013 baseline by 2030
- Diversion of organics from landfills is an important component of the overall strategy to achieve a 40 percent reduction in methane emissions
 - ► Forecasted to achieve an emission reduction of 4 MMTCO2e per year by 2030

What is CARB's Role?

- Partner and collaborate with CalRecycle to develop the organics diversion regulation
- Assist in developing a verification process to determine if technologies qualify as recycling
- Develop a method to quantify emissions reductions from proposed processes

Proposed Verification Process

- Determines if technologies not specifically listed in proposed regulation qualify as "Recycling"
- Collects emission-relevant data for organic waste projects and technologies
- Establishes new data reporting, quantification and emission calculation tools and requirements
- Applicants are required to demonstrate that methane reductions are comparable to, or better than composting operations, as defined in the SLCP

Technology Verification Process

- 1. Applicant submits data to CalRecyle as required by the regulation
- 2. CalRecycle consults with CARB to verify data submitted by applicant
- 3. CARB uses quantification methodology and calculates methane emissions data
- Based on CARB's calculations, CalRecycle determines if proposal qualifies as diversion

Organic Waste Quantification Methodology

- CARB and Cal Recycle will develop method using a transparent public process
- Propose using portions of the waste diversion GGRF quantification methodology
- Method should ensure consistent data calculations using best available science and factors
- Method should account for unique circumstances of individual innovative technologies

Proposed Information to be Requested

- Name and address of facility
- Type of organic material being processed
- Mass in tons of organic material processed
- Average moisture content of the material
- Explanation of the technologies used
- ► All calculations, assumptions or emission factors
- Any other information relevant to making a determination

Stakeholder Input

- Are there other types of organic material that should be included in the baseline
- What additional information could be used to quantify methane emission reductions
- >How can the proposed verification process be modified
- >Are there alternative methods to quantify methane reductions

Contact

Web Page: http://www.calrecycle.ca.gov/Climate/SLCP/

Listserv:

http://www.calrecycle.ca.gov/Listservs/Subscribe.aspx?ListID=152

Inbox: <u>SLCP.Organics@calrecycle.ca.gov</u>

For submitting comments after the workshop. Please use <u>the SLCP online</u> comment form

(http://www.calrecycle.ca.gov/Climate/SLCP/Comments/Form1/default.htm), we are prioritizing comments received by Wednesday November 15, 2017.



SB 1383 Informal Rulemaking

Short-Lived Climate Pollutants (SLCP):
Organic Waste Methane Emissions
Reductions

Collection and Planning



Article 3 - Mandatory Organic Waste Collection

- Section 30.1 By January 1, 2022, jurisdictions shall provide source-separated collection service to all generators of organic waste
 - ▶ With exception of section 30.2 (mixed organic waste collection)
 - Services include source-separated recycling container(s) for organic waste (i.e. food waste, soiled paper, green waste landscape and pruning waste
 - Services include non-putrescible organics (i.e., paper, cardboard, cartons) in curbside bins ("blue bins")
 - Services must include separate labeled and color-distinct container(s)
 - Must haul source-separated organic waste to facility that processes and/or recycles source-separated organic waste
 - Must haul commingled recyclables to facility that processes those materials
 - ► Require generators to place materials in proper bins

- Section 30.15 Contamination
 - ▶ Jurisdiction must reduce contamination
 - ► Hauler may refuse to collect container if finds contamination > 10%
 - ► Hauler to inform jurisdiction of contamination
 - Jurisdiction must conduct targeted education and outreach

- Section 30.2 Mixed-waste collection allowed
 - ► Provided service was in place before January 2020 and mixed waste is sent to "High Diversion Mixed Waste Processing Facility" that recovers specified % of organic waste from mixed waste stream
 - ▶ E.g., no less than 50% by 2022 and no less than 75% by 2025.
 - ► If service does not meet specified recovery % any time after January 2022, jurisdiction shall begin implementing source-separated collection.
 - ► Implementation schedule
- Section 30.3 Waivers
 - Emergency, de minimus, and physical space

Article 4 - Education and Outreach

- Section 40.1 Conduct education/outreach to all generators to promote organics waste prevention and recycling.
 - ▶ Utilize annual electronic, print, and direct contact methods
 - Provide bi-lingual education/outreach if certain % or more of households are linguistically isolated.
 - ► To address contamination, inform generators about placing organic materials in proper bins.
 - ► May reduce frequency if load checks at facilities show low contamination rates from jurisdiction
- Section 40.2 Jurisdictions shall maintain list of food recovery services and organizations, and provide guidance to medium and large edible food generators re: food donation

Article 5 - Generators of Organic Waste

- Section 50.1 Generators (residential and commercial) shall manage organics by one of the following:
 - Comply with jurisdiction's mandatory organics waste recycling services, including placing material in proper bins, and/or
 - ► Self-haul organics to an organics recycling facility.
 - ► Caveat: generators can still source-reduce or otherwise prevent generation, recycle onsite, back-haul, or donate edible food
- Section 50.1 Generators have to separate organic material and place in proper bin
 - ► E.g., food/green waste in green bin, cardboard in blue bin
 - ► Back and front of business

- ▶ 50.1(f) Source-separated organics bins collected weekly (at least), other bins (e.g., refuse, curbside recycling) may be collected every other week.
- Section 50.2 Landlords/property owners shall not prevent lessees from recycling organic waste
- Section 50.4 Schools and state agencies not subject to jurisdiction's collection program also must:
 - Subscribe to organics recycling service or self-haul
 - Prohibit employees from putting non-organic material in source-separated organic bins and vice versa
 - ► Educate employees about contamination issues and these requirements

Article 6 - Regulation of Haulers

- Section 60.1 Hauler licensing/permitting
 - ► Hauler must obtain local government license, permit, approval
 - Jurisdiction must require compliance and maintain records
 - Per Section 30.15, hauler must monitor for contamination and report it to the jurisdiction
- Section 60.2 Self-haulers
 - Must comply with specified provisions

Articles 7 and 8

► Article 7 - CalGreen Building Codes

Section 70.1 - Jurisdiction shall meet or exceed 2016 Building Standards Commission's CalGreen requirements (or subsequently adopted standard) for organics from residential and non-residential construction

Article 8 - Restrictions on Locally Adopted Standards and Policies

- Section 80.1 Restrictions on jurisdiction ordinances or policies that prevent lawful recycling of organic waste or that result in materials being taken to facilities with lower recycling rates
- Section 80.2 Restrictions on jurisdictions adopting ordinances or policies that impair food recovery

Article 9.9 - Organic Waste Recycling Capacity and Planning







- > Section 99.1(a) County, in coordination with cities in county, in 2025 and every year thereafter (covering 15-year period) shall:
 - Estimate amount of organic waste currently disposed and that would be disposed
 - Identify existing organic waste recycling capacity that is verifiably available (for all organic waste, including wood and paper)
 - Based on above, identify amount of additional capacity needed to ensure that 75% of organic waste can be recycled by 2025 and thereafter
 - Identify amount of existing (beyond what was identified above), new, or expanded organic waste recycling capacity that will be available.

- Section 99.1(b) County, in coordination with cities in county, in 2025 and every year thereafter (covering a 15year period) shall:
 - Identify medium and large generators of recoverable edible food located within county and its cities
 - Estimate amount of edible food that will be disposed by county and cities in 2025 and every year thereafter
 - Identify existing capacity at edible food recovery organizations that is available to recover food from edible food generators
 - Based on above, ID amount of edible food that needs to be recovered to ensure 20% of edible food is recovered in 2025 and thereafter
 - Identify amount of existing (additional to above), new, or expanded food recovery capacity that will be available by 2025

- Section 99.1(c) Conduct community outreach
 - Inform citizens, including disadvantaged communities, about areas considered for potential expanded or new facilities
 - Seek input on benefits and impacts associated with expansions/new facilities
 - Consult with LEAs, LTFs, owners/operators of existing facilities
- > Section 99.1(d) Report annually on implementation



- Section 99.1(e) If jurisdiction has not been able to adequately demonstrate it has secured or plans to secure the needed capacity, then it must:
 - Submit Implementation Schedule that demonstrates how it will secure access to existing, new, or expanded capacity by 2025 and annually thereafter
 - Including timelines and milestones for planning efforts, planned or previous rate increases, and identifying how additional capacity will be secured



Stakeholder Input

- Are there any changes/additions that you would recommend for Jurisdictions, Generators, Haulers?
- Do these draft requirements help to manage or reduce contamination?
- > Are there any changes/additions that you would suggest for the jurisdiction education activities?
- Do the proposed performance standards for mixed waste processing ensure a sufficient recovery rate?

Stakeholder Input

- Should jurisdictions be required to implement programs to reduce disposal of other organic materials such as composite paper and textiles?
 - Should there be education for existing options like textile donation, curbside programs, etc?
 - Should large quantity generators be required to recycle textiles, e.g., prisons, hospitals?
 - >What type of programs would help address composite paper?

Stakeholder Input

Are there other aspects of capacity planning that could or should be conducted at the local level?

- How can jurisdictions demonstrate that they have "secured" capacity?
- What other regulatory agencies should be engaged when local governments are identifying new/expanded organic waste recycling?
- Are there other factors that should be incorporated into an implementation schedule for capacity planning?

Contact

Web Page: http://www.calrecycle.ca.gov/Climate/SLCP/

Listserv:

http://www.calrecycle.ca.gov/Listservs/Subscribe.aspx?ListID=152

Inbox: <u>SLCP.Organics@calrecycle.ca.gov</u>

For submitting comments after the workshop. Please use the SLCP online comment form

(http://www.calrecycle.ca.gov/Climate/SLCP/Comments/Form1/default.htm), we are prioritizing comments received by Wednesday November 15, 2017.



SB 1383 Informal Rulemaking

Short-Lived Climate Pollutants (SLCP):
Organic Waste Methane Emissions
Reductions

Edible Food Recovery



Article 4, Education and Outreach

Section xxxx40.2 Edible Food Recovery Education and Outreach

Jurisdictions shall develop and maintain a list of all food recovery services and organizations operating within the jurisdiction.

▶ Jurisdictions shall develop a food donation guide for large and medium commercial edible food generators.

Too Good to Waste!



A Food Donation Guide for Businesses in the County of San Diego

Article 8, Restrictions on Locally Adopted Standards and Policies

Section xxx80.2 Edible Food Recovery Standards and Policies

▶ Jurisdiction shall not adopt an ordinance or implement a policy that requires the disposal or recycling of edible food that could be recovered for human consumption.

Jurisdiction shall not adopt an ordinance or policy that prohibits share tables in schools.

Article 8, Restrictions on Locally Adopted Standards and Policies

Section xxx80.2 Edible Food Recovery Standards and Policies

- Nothing in this chapter shall be construed to limit or conflict with the provisions of the California Good Samaritan Act.
- Operators are not required to donate food that they still intend to serve or sell to a consumer.

Article 8, Restrictions on Locally Adopted Standards and Policies

Section xxx80.2 Edible Food Recovery Standards and Policies

Food recovery services and organizations are not required to accept edible food that they cannot properly handle.

Section xxxx90.1 Edible Food Generators

- Large Venue
- Large Event
- Certified Farmers' Market
- Community Event that includes a temporary food facility
- Large Commercial Food Generator
- Medium Commercial Food Generator
- State Entity that includes an onsite food facility

Large Venue

Permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility.

Large Event

An event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location.

Community Event that includes a temporary food facility

▶ Event conducted for not more than 25 consecutive or nonconsecutive days in a 90-day period and that is of a civic, political, public, or educational nature, including state and county fairs, city festivals, circuses, and other public gathering events approved by the local enforcement agency.

Large Commercial Edible Food Generator

- Supermarket; or
- ▶ Food facility, including a restaurant with X or more employees; or
- ► Hotel with an onsite food facility and more than 200 rooms

Medium Commercial Edible Food Generator

- ► Food facility, including a restaurant with X or fewer employees
- ► Hotel with an onsite food facility and between 100-200 rooms
- Commercial business that includes an onsite food facility that serves more than 100 meals per day

State Entity that includes an onsite food facility

► These entities include but are not limited to special districts, school districts, community college districts, public universities, and state agencies.

Section xxxx90.1 Edible Food Generators

An operator shall arrange for food recovery services and/or food recovery organizations, to collect all of the excess edible food that was not sold or served by the operator.

- Maintain a record of their arrangement with each edible food recovery service or organization.
- Education
- Contracted entities
- An operator shall not intentionally spoil or discard edible food that could be collected by a food recovery service or organization.

Section xxxx90.2 Edible Food Recovery Organizations

Maintain records that include the following:

- ► Total amount of edible food collected from each entity
- Final disposition of the edible food
- Amount of food that was rejected from each entity

Stakeholder Input

- Food health and safety
- Generators

- Donation dumping from generators
- Food recovery services and organizations
- Reporting from food recovery services and organizations

Contact

Web Page: http://www.calrecycle.ca.gov/Climate/SLCP/

Listserv: http://www.calrecycle.ca.gov/Listservs/Subscribe.aspx?ListID=152

Inbox: <u>SLCP.Organics@calrecycle.ca.gov</u>

For submitting comments after the workshop, please use the SLCP Comment Form:

http://www.calrecycle.ca.gov/Climate/SLCP/Comments/Form1/default.htm

We are prioritizing comments received by November 15, 2017.



SB 1383 Informal Rulemaking

Short-Lived Climate Pollutants (SLCP):
Organic Waste Methane Emissions
Reductions

Solid Waste Facility Regulations
&
Reporting Concepts



Solid Waste Facility Regulations

- ► Amendments to existing Title 14 and Title 27 Regulations relative to:
 - ► Transfer/Processors
 - **▶** Compost Facilities
 - ►In Vessel Digestion Facilities
 - **►** Landfills
 - ► Local Enforcement Agencies

Title 14

(Amend) Section 17402. - Definitions.

- Addition of the following definitions:
 - Contamination
 - ► Hauler
 - Organic Waste
 - Source Separated Organic Waste (SSO)
 - Source Separated Organic Waste Stream
 - ► Mixed Waste Organics (MO) Collection Service
 - ► Mixed Waste Organics Collection Stream

(New) Section 17409.5.1 - Organics Diversion at Mixed Waste Processing Facilities

- Processing efficiency standard for transfer/processing activities
 - ▶ January 1, 2022 50% organics diverted from disposal
 - ▶ January 1, 2025 75% organics diverted from disposal
- Determine baseline amount of incoming organics within MO stream either:
 - ► Through a site-specific waste characterization study; or
 - By utilizing latest statewide waste characterization study prepared by CalRecycle
- Organics recovered from SSO or MO shall not have more than 10% contamination by volume prior to leaving the 58 site

(New) Section 17409.5.2 - Measuring Organics in Residual Removed from Mixed Waste Organic Collection Stream

- Operators of transfer/processing activities measure the amount of organics by volume in residuals being sent for disposal removed from the mixed waste organics (MO) stream
 - Organics in residual measurement is a monthly average
 - ▶ One measurement per operating day
- Records of measurements are maintained and available for review
- Measurement protocol described

(New) Section 17409.5.3 - Measuring Contamination in Organics Recovered from Mixed Waste Organic Collection Stream

- Operators of transfer/processing activities measure the amount of contamination in each organic material type recovered from MO stream after processing
 - ▶ One measurement every other month
- Records of measurements are maintained and available for review
- Measurement protocol described

(New) Section 17409.5.4 - Source Separated Organics Handling.

- Source separated organics (SSO) handling kept separate from other solid waste streams
- SSO after processing shall be:
 - ► Transport to another solid waste facility or operation for additional processing, composting, in-vessel digestion, or other recycling, or;
 - Used in a manner approved by local, state, and federal agencies, or;
 - Sent for disposal

(New) Section 17409.5.5 - Loadchecking - Contamination in Source Separated Organic Waste

- Operators of transfer/processing facilities and operations measure the amount by volume of contamination in incoming SSO
 - ▶ One loadcheck for every 500 tons received per operating day
 - ▶ If less than 500 tons received, a minimum of one loadcheck per day
 - ► At least one loadcheck per month of each hauler type and collection route
- ► The operator shall maintain records of loadchecks and be available for review
- ► The operator shall conduct a loadcheck in the presence of EA when requested

(New) Section 17409.5.6 - Measuring Contamination Level in Organics Recovered from Sources Separated Organic Waste

- Operators of transfer/processing activities measure the amount of contamination in each organic material type recovered from the SSO stream after processing
 - ▶ One measurement every other month
- Records of measurements are maintained and available for review
- Measurement protocol described

(New) Section 17409.5.7 - Measuring Organics in Residual Removed from Source Separated Organic Waste

- Operators of transfer/processing activities measure the amount of organics in residuals being sent for disposal
 - Organics in residual measurement is a monthly average
 - ▶ One measurement per operating day
- Records of measurements are maintained and available for review.
- Measurement protocol described

(Amend) Section 17414. - Record Keeping and Reporting Requirements

- ► For MO stream, maintain records of following:
 - ► Incoming weights/volumes of MO
 - Outgoing weights/volumes of residuals sent to disposal
 - Outgoing weights/volumes of organics recovered
- ► For SSO stream, maintain records of following:
 - ► Incoming weights/volumes of SSO
 - Outgoing weights/volumes of organics sent for recycling
 - Outgoing weights/volumes of contaminants sent to disposal
- Records are reported monthly to EA, jurisdiction of origin, haulers, and CalRecycle

(Amend) Section 17867. - General Operating Standards

- Amendment to existing loadcheck requirement
- Operators of composting activities shall measure the amount of contamination in incoming SSO stream:
 - ▶ One loadcheck for every 500 tons received
 - ▶ If less than 500 tons received, a minimum of one loadcheck per day

(Amend) Section 17869. - General Record Keeping Requirements

- Amendment to existing record keeping requirement
- Operators of composting operations and facilities shall record:
 - the number of loadchecks performed (existing language),
 - loads with contamination exceeding 10 percent, and
 - loads rejected and reasons for rejection.

(New) Section 17896.25.1. - Loadchecking - Contamination in Source Separated Organic Waste

- Operator of an in-vessel digestion site to measure the amount by volume of contamination in incoming SSO
 - One loadcheck for every 500 tons received per operating day
 - ► If less than 500 tons received, a minimum of one loadcheck per day
 - ► At least one loadcheck per month of each hauler type and collection route
- ► The operator shall maintain records of loadchecks and be available for review
- ► The operator shall conduct a loadcheck in the presence of EA when requested

(Amend) Section 18083. LEA Duties and Responsibilities for Inspections.

► The EA shall oversee a minimum of one operator loadcheck of contamination in SSO during each inspection

Title 27

(New) Section 20700.5. Long-Term Intermediate Cover

Compacted earthen material at least 36 inches shall be placed on all surfaces of the fill where no additional solid waste will be deposited within 30 months

(New) Section 20750.1. Organics Handling

- New or expanded solid waste disposal sites must implement organics recycling activities
 - Organics recycling activities means activities that constitute an organic disposal reduction
- Receipt of solid waste that have already been sufficiently process to remove organics may be sent to the working face for disposal
 - Sufficiently processed means solid waste that was previously handled at a facility that meets or exceeds organics handling requirements

(New) Section 20901. Loadchecking -Contamination in Source Separated Organic Waste

- For solid waste disposal sites, measure the amount of contamination in source separated organic waste received
- Maintain loadchecking records
- Conduct a loadcheck in the presence of the EA when requested.
- Measurement protocol described
- Provide a written notice to the collection service operator when loads exceed 10 percent of contamination

Section 21570. Filing Requirements

- Additional operator outreach to disadvantaged communities prior to submitting permit application to EA
- ► The operator to provides evidence that a public meeting was held with any affected groups or disadvantaged communities
- ▶ Public meeting held within 180 days from submittal of the permit application package
- ► Application package includes a summary of the comments received, responses to public comments and any other steps taken by the applicant relative to those comments

(Amend) Section 21650. EA Processing Requirements

► The EA will be required to submit to CalRecycle information regarding responses to public comments and any other steps taken by the EA relative to those comments

(Amend) Section 21660.2. Informational Meeting for New and Revised Full Solid Waste Facilities Permit Applications

- Improve outreach to disadvantaged communities affected by new or revised permit applications
- ► The EA shall identify communities in a manner that meets or exceeds the methods of the identification tools developed by the California EPA
- ► The EA shall undertake additional measures to ensure disadvantage communities are noticed

(New) Section 21695. Organic Disposal Reduction Status Impact Report

- Operator prepares a Status Impact Report (SIR)
- The SIR describes the potential and expected impacts to the disposal site resulting from the implementation of the organic disposal reduction requirements
- ► The Operator submits the SIR to CalRecycle
- SIR shall be prepared by a California registered civil engineer or certified engineering geologist
- Based on the review of the SIR an update to the Joint Technical Document may be required

New Concept! Potential Amendment to 17402.5 (c)(6)

- In addition to unsold produce, an excluded distribution center could receive packaged food from stores to which it was originally sent
- ► The unsold food would remain the property of the distribution center and/or stores
- ► The distribution center would be allowed to process the food to collect data to assist in source reduction
- ► The distribution center would be allowed to depackage the food prior to sending it to recycling

Stakeholder Questions and Input

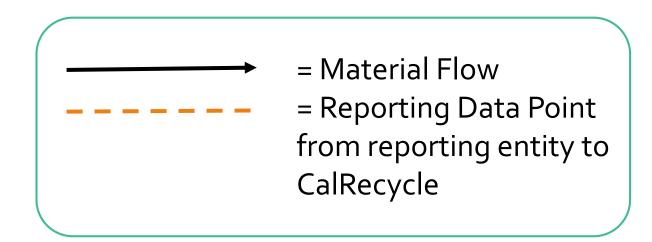
- Are there other methods to measure organic waste recovery at solid waste facilities?
- Are there additional or alternative concepts that can help increase the recovery of organic waste handled at solid waste facilities?
- Are there other types of facilities/operations that should be considered?
- ► How can the state best plan for and manage the impact reductions in organic waste disposal will have at landfills?

SB 1383 and AB 901 Reporting Flow Charts

- The flow charts that follow outline the proposed reporting data points for entities under both AB 901 & SB 1383
- All data would be reported quarterly to CalRecycle through the Recycling and Disposal Reporting System (RDRS)
- For SB 1383, any reporting entity receiving organic material directly from a hauler or generator will report on inputs, specifically jurisdiction of origin and source sector for the source separated organic waste stream and the mixed organic waste stream.

Note: Nothing in the existing AB 901 rulemaking will be modified by the proposed SB 1383 reporting data points or informal rulemaking

Legend



Reporting Entity: Transfer/Processors

(AB 901 and SB 1383)



For Material Accepted From:

Haulers

Report total aggregated tons by jurisdiction of origin and source sector (901)

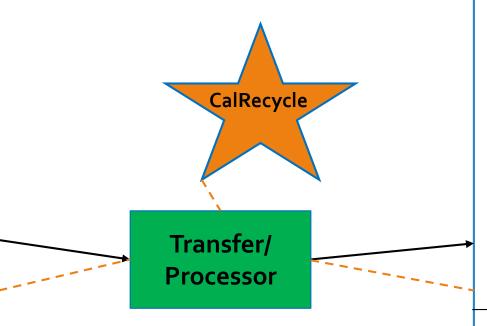
Report tons of mixed-waste organic stream by jurisdiction of origin and source sector (1383)

Report tons of source-separated organic stream by jurisdiction of origin and source sector (1383)

Report number of times load is rejected or identified as contaminated by jurisdiction of origin (1383)

Transfer/ Processors Disposal Facilities

Report tons from each facility (901)



(Arrows pertain to each entity)

For Material Sent to:

Disposal Facilities

Transfer/
Processors

Recycler/ Composter Transporter/ Broker

Report tons by jurisdiction of origin and source sector (and material type for Recycler/ Composter, Transporter/ Broker) sent to each receiving facility (901)

Report tons of processed organics sent to each receiving entity (1383)

End User

Report tons by material type sent to each end user category by region (901)

Tons of processed organics by material type to end user category and region (1383)

Reporting Entity: Disposal Facilities

Cal Recycle

For Material Accepted From:

Haulers

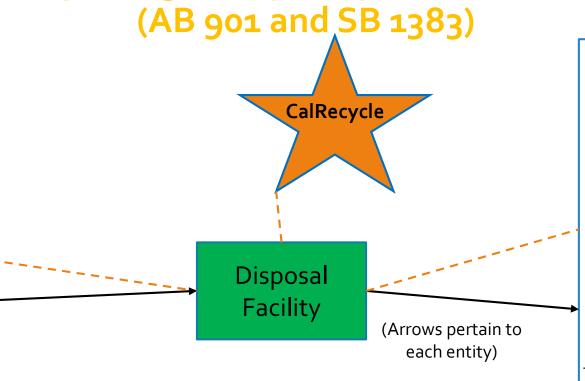
Report tons by jurisdiction of origin and source sector (901)

Transfer/
Processors

Report tons from each TS/Processor (901)

Recycler/ Composter

Report tons by jurisdiction of origin and source sector (901)



For Material Sent To:

Disposal Facility

Transfer/
Processors

Transporter/ Broker Recycler/ Composter

Report tons sent to each receiving entity sector (and material type sent to Recycler/ Composter,
Transporter/ Broker) (901)

Report tons of processed organics sent to each receiving entity (1383)

End User

Report tons by material type sent to each end user category and region (901)

Report tons of organics sent to each end user category and region (1383)

Reporting Entity: Recyclers and Composters (AB 901 and SB 1383)



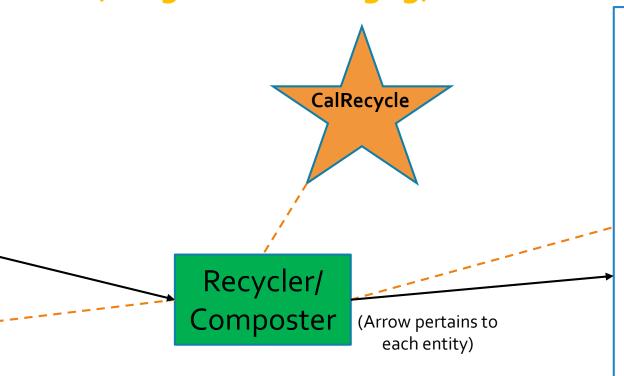
For Material Accepted From:

Haulers

Report tons of source-separated organics received by jurisdiction of origin and source sector (1383)

Report tons of mixed organics received by jurisdiction of origin and source sector (1383)

Report number of times load is rejected or identified as contaminated by jurisdiction of origin (1383)



For Material Sent To:

Transfer/ Processor

Recycler/ Composter

Disposal Facility

End User

Transporter/ Brokers

Report tons by material type sent to each person or end user category and region (901)

Report tons of processed organics sent to each receiving entity (1383)

Reporting Entity: Haulers (AB 901 and SB 1383)



For AB 901, haulers primarily report to the receiving entity.

Haulers only report to CalRecycle for materials sent to end use or sent out of state.



Hauler

(Arrow pertains to each entity)

Report to CalRecycle for Material Sent to:

Export

Report tons sent to disposal by jurisdiction of origin and source sector and receiving entity.

Report organics or recyclables tons sent for recycling or composting by material type

(901)

Report tons of organics by jurisdiction of origin, source sector, material type, and receiving entity (1383)

End User

Report tons by material type, end user category and region (901) Report tons of organics by material type, end user category and region (1383)

Report for Material Sent to:

Transporter/ Broker

Report tons of solid waste by jurisdiction of origin, source sector and receiving entity (901)

Report tons of mixed waste organic and/or source-separated organic stream by jurisdiction of origin and source sector (1383)

Report for Material to Sent to:

Disposal Facilities

Report tons by jurisdiction of origin (and source sector if requested) by receiving entity (901)

Report tons of organics by material type, jurisdiction of origin, and source sector by receiving entity (1383)

Transfer/ Processor

Report tons by jurisdiction of origin (and source sector if requested) by receiving entity (901)
Report tons of source-separated organics and mixed waste organics by jurisdiction of origin and source sector by receiving entity (1383)

Recycler/ Composter

No reporting unless receiver requests (901)

Report tons of source-separated organics and mixed waste organics by jurisdiction of origin and source sector by receiving entity (1383)

Reporting Entity: Transporters and Brokers





Transporter/ Broker

(Arrows pertain to each receiving entity)

For Material Possessed by Broker Sent to Receiving Entity:

Transporter/ Broker Recycler/ Composter

Export

Disposal Facilities

Report tons by material type sent to each receiving entity (901)

Report tons of organics by material type sent to each receiving entity (1383)

End User

Report tons by material type sent to each end user category by region (901)

Report tons of organics by material type sent to each end user category by region (1383)

Contact

Web Page: http://www.calrecycle.ca.gov/Climate/SLCP/

Listserv: http://www.calrecycle.ca.gov/Listservs/Subscribe.aspx?ListID=152

Inbox: <u>SLCP.Organics@calrecycle.ca.gov</u>

For submitting comments after the workshop, please use the SLCP Comment Form:

http://www.calrecycle.ca.gov/Climate/SLCP/Comments/Form1/default.htm

We are prioritizing comments received by November 15, 2017.



SB 1383 Informal Rulemaking

Short-Lived Climate Pollutants (SLCP):
Organic Waste Methane Emissions
Reductions

ENFORCEMENT



Section XXXX10.1. Scope of Jurisdiction Requirements.

- By January 1, 2022, a jurisdiction shall adopt ordinances/procedures requiring equivalent or stricter requirements than the regulations over the following:
 - Source-separated organic waste collection or mixed waste organic collection services
 - Organic waste generator requirements
 - Requirements on haulers
 - CalGreen building standards
 - ► Edible food requirements
 - Must include inspection and enforcement provisions at least as strict as those in regulations

Section XXXX10.3. Jurisdiction Inspection and Enforcement Requirements

- Jurisdiction to submit inspection and enforcement plan by Jan 1, 2022:
 - Ordinance, policies required by regulations
 - ► List of regulatory entities responsible for
 - ▶ Jan 1, 2022-2024, inspect businesses subject to MCR/MORe requirements & that produce organic waste
 - ▶ Re-inspect within 30 days when noncompliant
 - ► Inspect new business within 1 year
 - ► Inspect 20% or more of regulated business each year after 2024
 - ▶ Enforcement procedures and penalties used for noncompliant business
- Department enforcement for a jurisdiction not meeting this requirement

Section XXXX10.4. Maintenance of Records

- Jurisdiction shall maintain records of all inspection and enforcement documents:
 - ▶ Inspections, notices, orders, penalties, etc.
 - ► May be electronic
 - ► Must be available for review
 - ▶ Retained for 5 years

Section XXXX10.5. Investigation of Complaints by Jurisdictions

- Any person may file a complaint:
 - Must be in writing
 - Name, address and telephone number of complainant, anonymous complaints allowed
 - ▶ Regulated entity, alleged violation, location, other information
- Jurisdiction shall investigate complaints:
 - ► Investigate the complaint within 30 days
 - ► Notify the complainant of the results
 - ► Keep records of the complaints and response
 - Take enforcement action
- Department may forward a complaint to the jurisdiction

- ▶ Jan 1, 2022 Jan 1, 2024, if a regulated entity is in violation, the jurisdiction shall serve a Notice of Noncompliance to the regulated entity within 30 days. The Notice shall:
 - Require compliance within 30 days
 - Include a description of the violation
 - Include educational material on the regulated entity's responsibility and potential penalties for noncompliance
- ► After Jan 1, 2024, if jurisdiction finds that a regulated entity is in violation it shall take progressive enforcement action for violations specified

- Progressive enforcement must be as strict as:
 - ► For a <u>first offense</u> after January 1, 2024:
 - ▶ Issue Notice of Violation (NOV) 30 days to comply
 - Issued w/in 30 days;
 - ▶ Issue Notice and Order to Correct (NOTC) 15 days to comply or penalties
 - Issue w/in 60 days of NOV issuance
 - Impose a penalty
 - Commence action within 120 days of NOV issuance
 - ► For a <u>second offense</u>:
 - ▶ Notice and Order to Correct 15 days to comply or penalties
 - Issued w/in 30 days
 - ► Impose a penalty
 - Commence action within 90 days of NOTC issuance
 - ► For all <u>subsequent offenses</u>:
 - ► Commence action within 30 days of inspection

- Jurisdiction may extend compliance deadlines if it can find that:
 - Regulated entity is making timely progress toward compliance, and
 - Its lack of compliance with deadline is due to:
 - Delays caused by extenuating circumstances outside entity's control, or
 - Examples: Acts of God such as inclement weather, earthquakes, or delays in obtaining discretionary permits or other government agency approvals
 - ► The correction requires a long term infrastructure or capacity change which requires a correspondingly longer length of time to achieve compliance
- A jurisdiction may use an alternative progressive enforcement if:
 - ► Timeframes for remedies are equivalent or stricter
 - ► Remedies (penalties) are equivalent or stricter

- Any notice of noncompliance must include:
 - ► The name or names of each person or entity to legal responsible party, such as business owner, property owner, etc.
 - ► The list and description of the violations
 - ► The regulations, or local condition being violated
 - A compliance date that business operator must act
 - The penalty for not complying
- ► The department may take enforcement action directly and seek penalties if a jurisdiction fails to take enforcement

Section XXXX11.2. Department Inspections and Audits of Regulated Entities and Jurisdictions

- Department may audit a jurisdiction to assure compliance with the regulations
- Audits will include:
 - Notification of audit timeframe
 - Inspections of some regulated entities
 - Department notification prior to conducting inspections
 - Review of jurisdiction's reports and recordkeeping

Section XXXX11.2. Department Inspections and Audits of Regulated Entities and Jurisdictions

- Audit Report
 - If jurisdiction is in compliance or violation of following standards:
 - Source-separated organic waste collection or mixed waste organic collection services
 - Organic waste generator requirements
 - Requirements on haulers
 - CalGreen building standards
 - Edible food requirements
 - Inspection and enforcement

Section XXXX11.3. Actions by Department over Jurisdictions and Regulated Entities

- If the department finds that a jurisdiction is not fulfilling one or more of its responsibilities, the department may:
 - Conduct more frequent inspections and audits
 - Take direct enforcement
 - Establish a schedule and probationary period for improved performance by the jurisdiction
 - Work plan to correct the deficiencies prior to seeking penalties
 - Require a jurisdiction to demonstrate it has sufficient staff and adequate budget resources for implementing the provisions of this Chapter
 - Issue notices and seek administrative civil penalties

Section XXXX11.3. Actions by Department over Jurisdictions and Regulated Entities

- If the department finds that a jurisdiction is not taking enforcement:
 - Department may take enforcement against a regulated entity after:
 - Requesting the jurisdiction to take enforcement
 - Offering technical assistance
- If the jurisdiction fails to respond within 30 days, the department shall notice the jurisdiction and regulated entity it will take enforcement
- Department may also seek administrative penalties against the jurisdiction
 - For failure to take enforcement within 30 days of request

Section XXXX11.4. Actions regarding Organic Waste Generators Located in more than one Jurisdictions and Generators Outside the Authority of a Jurisdiction

- For violations at an organic waste generator that is located in more than one jurisdiction, or is an organic waste generator that is not subject to the jurisdiction's authority:
 - ▶ Jurisdiction may refer the case to the department, if
 - Prior to the referral, the jurisdiction has inspected the entity and implemented progressive enforcement
- If the department has found violations at an organic waste generator that is located in more than one jurisdiction or is not subject to the authority of a referring jurisdiction, it may take enforcement

Section XXXX11.5. Written Complaints of Alleged Violations of Jurisdictions and Regulated Entities

- ▶ Any person may file a complaint on a jurisdiction to the department:
 - Must be in writing
 - Name, address and telephone number of complainant, anonymous complaints allowed
 - ▶ Regulated jurisdiction or entity, alleged violation, location, other information
- ► Department shall follow-up:
 - ▶ Investigate the complaint within 30 days
 - ► Notify the complainant of results
 - ► Keep records of the complaints and response
 - ▶ Take enforcement action
- If the department receives a complaint on a regulated entity, it shall refer the complaint to the jurisdiction with authority over the regulated entity

Same

Section XXXX11.6. Departments Duties and Responsibilities for Enforcement

- ▶ Jan 1, 2022 thru January 1, 2024, if a regulated entity is in violation, the department shall serve a Notice of Noncompliance to the regulated entity within 30 days. The Notice shall include:
 - Require compliance within 30 days
 - Description of the violation
 - Educational material on the regulated entity's responsibility and potential penalties for noncompliance
- ► After Jan 1, 2024, if department finds that a regulated entity is in violation it shall take progressive enforcement action for violations specified

Same

Section XXXX11.6. Departments Duties and Responsibilities for Enforcement

- Progressive enforcement:
 - ► For a <u>first offense</u> after January 1, 2024:
 - ▶ Issue Notice of Violation (NOV) 30 days to comply
 - ► Issued w/in 30 days
 - ▶ Issue Notice and Order to Correct (NOTC) 15 days to comply or penalties
 - ► Issue w/in 60 days of NOV issuance
 - Impose a penalty
 - Commence action within 120 days of NOV issuance
 - ► For a <u>second offense</u>:
 - ▶ Notice and Order to Correct 15 days to comply or penalties
 - ► Issued w/in 30 days
 - Impose a penalty
 - ► Commence action within 90 days of NOTC issuance
 - ► For all <u>subsequent offenses</u>:
 - ► Commence action within 30 days of inspection



Section XXXX11.6. Departments Duties and Responsibilities for Enforcement

- Department may extend compliance deadlines if it can find that:
 - Regulated entity is making timely progress toward compliance, and
 - Its lack of compliance with deadline is due to:
 - Delay was caused by extenuating circumstances outside entity's control, or
 - ► Examples: Acts of God such as inclement weather, earthquakes, and delays in obtaining discretionary permits or other government agency approvals
 - ► The correction requires a long term infrastructure or capacity change which requires a correspondingly longer length of time to achieve compliance

Same

Section XXXX11.6. Departments Duties and Responsibilities for Enforcement

- Any notice of noncompliance must include:
 - The name or names of each person or entity to legal responsible party, such as business owner, property owner, etc.
 - The list and description of the violations
 - The regulations, or local condition being violated
 - A compliance date that business operator must act
 - ► The penalty for not complying



Section XXXX12.2. Amount of Civil and Administrative Penalty Schedule

- Penalties imposed administratively using the Penalty Tables
- Penalty determined by:
 - What violations have occurred; and
 - ► The number of days the violations have occurred; and
 - ▶ Whether it is a first, second, or third offense for each violation; and,
 - ► The severity of violations identified in the Table
- Separate penalties for each separate violation and for each day of violation
 - Each violation penalty amount X number of days of violation
 - Starting on the day the Notice of Violation is issued
 - ▶ Add the results for each violation to determine a total base penalty amount

Section XXXX12.2. Amount of Civil and Administrative Penalty Schedule

- Penalties for second, third and all other violations assessed per Tables when entity committed a prior violation at the same or a separate location.
- ► The total penalty amount may not exceed maximum penalty amounts for each day of violation, as set forth in PRC 42652.5.

Section XXXX12.2. Amount of Civil and Administrative Penalty Schedule

- The department, jurisdiction, hearing officer or judge may apply the factors to determine the final penalty <u>within</u> the range of the base penalty. The following factors are:
 - ► The nature, circumstances, of the violation(s)
 - ► The size of the violator
 - Ability for the violator to pay
 - ► The willfulness of the violator's misconduct
 - Whether the violator took good faith measures to comply with this chapter and the period of time over which these measures were taken
 - Evidence of any financial gain resulting from the violation(s)
 - ► The economic effect of the penalty on the violator
 - ▶ If there were conditions outside the control of the regulated entity

Section XXXX12.2. Amount of Civil and Administrative Penalty Schedule

- A jurisdiction shall impose these penalties in accordance with its ordinances and procedures and its enforcement plan
- A jurisdiction may use alternative, nonmonetary remedy if:
 - ► The remedy is a revocation, suspension, or denial of a permit, registration, license or other authorization, or a lien on real property, or
 - Jurisdiction receives written approval from the department for the use of a remedies that have the same or equal effect

Are there other remedies?

Section XXXX12.2. Amount of Civil and Administrative Penalty Schedule

▶ Penalty Tables will establish a base range of penalty

Requirement	Description of Violation	1st Offense	2 nd Offense	3 rd and subsequent Offense
Section xxxx3.1	A jurisdiction or hauler that fails to comply with the requirements of this section	Level 3	Level 4	Level 5

► The penalty severity levels are as follows:

- ► Level 1, base penalty = \$100 \$500 per day.
- ► Level 2, base penalty = \$500 \$1000 per day.
- Level 3, base penalty = \$1,000 \$5000 per day.
- Level 4, base penalty = \$1000- \$10,000 per day.
- ► Level 5, base penalty = \$5000- \$10,000 per day.

Section XXXX12.4 Organics Recycling Noncompliance Inventory

- For same violation(s) for two consecutive inspections
 - Department may send a notice to the regulated entity intents to place the entity on the Inventory
- If the violation(s) are not corrected within 90 days
 - Department will send a notice to the regulated entity that it has been placed on the Inventory
 - ▶ Inventory would be listed on its department website
- Jurisdiction must provide inspection reports and compliance documentation as requested by the department in order for this section to be carried out

What violations would this remedy work for?

Section XXXX12.5 CalRecycle Procedure for Imposing Civil Penalties

- Civil penalties may be administratively imposed by the department in accordance with the procedures outlined in the Administrative Procedure Act
- Accusation or complaint and all accompanying documents may be served on the respondent by the following means:
 - Personal service.
 - ► Substitute service by using the same service procedures as described in section 415.20 of the Code of Civil Procedure.
 - Certified Mail
- ► Civil penalties may be imposed pursuant to Section 12.2.

ENFORCEMENTFEEDBACK ON KEY ELEMENTS

Inbox: SLCP.Organics@calrecycle.ca.gov

- ✓ Are there other ways to assess compliance than through inspections?
- ✓ Are there other businesses we should be targeting with inspection frequency requirements?
- ✓ What is the appropriate ongoing inspection frequency to assure ongoing compliance? Are there other methods to assess ongoing compliance or targeting enforcement?
- ✓ What other remedies should be listed as equivalent to penalties?
- ✓ Is the Inventory remedy useful? What type of violations are appropriate?
- ✓ Is there enough flexibility for jurisdictions to use their own enforcement effectively? If not, what would help?
- ✓ Could the progressive enforcement process easily be adopted by a jurisdiction that does not what to develop their own? If not, what changes should be made?

Contact

Web Page: http://www.calrecycle.ca.gov/Climate/SLCP/

Listserv: http://www.calrecycle.ca.gov/Listservs/Subscribe.aspx?ListID=152

Inbox: <u>SLCP.Organics@calrecycle.ca.gov</u>

For submitting comments after the workshop, please use the SLCP Comment Form:

http://www.calrecycle.ca.gov/Climate/SLCP/Comments/Form1/default.htm

We are prioritizing comments received by November 15, 2017.

